

84
A
DISSERTATION

IN WHICH

The Defence of P. SULLA,

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ASCRIBED TO

M. Tullius Cicero,

Is clearly proved to be Spurious;

After the Manner of

Mr. *MARKLAND*:

WITH SOME

INTRODUCTORY REMARKS

On other Writings of the ANTIENTS
never before Suspected.

L O N D O N :

Printed for J. BEECROFT, at the *Bible and Crown* in *Lombard-Street*; and Sold by J. ROBINSON, in *Ludgate-Street*; and W. THURLBOURN, Bookseller in *Cambridge*.

DISSERTATION

H O I H W M I

The Defence of P. SULLIVAN

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A
DISSERTATION

IN WHICH

The Defence of P. SULLA,

ASCRIBED TO

M. TULLIUS CICERO, &c.



It is a bold Undertaking to dispute the Authority of any Piece of Antiquity, which hath been delivered down to us by the Testimony; and approved by the Judgment of past Ages: one that hath the Courage to do it, must combat with the most obstinate Prejudices; and set out with a Resolution of submitting patiently to the Censures and Resentments of the World, which generally rise in Proportion to the Character and Esteem of the supposed

B

Author,

Author, whose Writings are thus freely examined.

An Attempt therefore to disprove the Authority of any of *Cicero's* Writings, must have been extremely dangerous; if a * late *celebrated Performance* had not convinced the World, what little Confidence is to be placed in the Testimony, and what ridiculous and absurd Compositions have been admired by the Judgment of Antiquity; and indeed, however strong and convincing my Objections against the following Pieces might have appeared to myself; I should not have ventured to have offered them to the Publick, if the *learned Gentleman* referred to in the Margin, had not opened the Way and met with the Encouragement, which the Merit of his Discoveries loudly calls for.

And it is but just, that I should here once for all, pay him my Acknowledgments for the surprizing Light, he has thrown upon the Studies of antient Learning; for that Improvement of Taste

* Remarks on the Epistles, &c. by Mr. *Markland*.

and

and Judgment, which every Reader in general must receive from him ; and for that particular share I have acquired by attending to his Observations and applying his Rules.

But he must not wonder, if he finds, that they are carried farther than he ever intended they should be : He has set the World a doubting, and no one can tell where their Doubts will end : The Glory, indeed, of all future Discoveries will entirely belong to himself ; and he will not be answerable for the Blunders of the ignorant Critick : I envy him not the former, and will endeavour to avoid the latter ; though in that Point I presume not to judge for myself. But be that as it will ; I am persuaded, the Works of *Cicero* will shortly be reduced to a small Number : I have Scruples raised in my Mind against some celebrated Pieces generally ascribed to him ; and already think myself able to prove, that but *two* of the *four* Orations against *Catiline* belong to him ; and that as the Orations for *Murena*, *Flaccus* and *Milo*, are evidently spurious ; so the Five Books *de Finibus bonorum et malorum*,

are the Work of some trifling Sophist ; written at a Time, when the Principles of antient Philosophy began to be little understood, and the Elegance and Chastity of Language less regarded.

I find also that *Thucydides* has suffered much by a Mixture of Imposture and Forgery in his History of the *Peloponnesian* War : And if the extraordinary Merit of the genuine Part of the Work, had not extremely over-balanced the other, he must infallibly have sunk in the Esteem of the World : Many * learned Men have doubted, whether the Eighth Book was written by him : But by applying these new Rules, I can clearly demonstrate, that not only *that*, but also the *Seventh*, and a great Part of the *Sixth Book*, are the Additions of a later Age ; and if I

* *Quæ vero hætenus de Thucydidis stylo diximus, ea præcipue intelligi debent de septem prioribus libris. Octavus enim plane tenui dictione utitur ; cum in prioribus longe magis assurgat : ac propterea aliqui putârunt, eum a filia Thucydidis scriptum esse vel a Xenophonte aut Theopompo, vel alio. Vossius de Histor. Græc. Lib. I. Cap. 4. vid. etiam Fabrici. Græc. Biblioth. Lib. II. Cap. 25.*

am not much deceived, I can trace out the great Industry and little Judgment of an *Alexandrian* Scribe.

But my Suspicions have not been confined to the Antients: It will appear to an impartial Examiner, that many Works have been injuriously ascribed to the Moderns. I am sure there are two Sermons crept into the Editions of Archbishop *Tillotson*, and one into those of Bishop *Atterbury*, which are so full of false *English*, weak Reasoning and Contradictions to their genuine Works, that it is impossible to suppose they could ever have been written by those venerable Prelates; they might probably have been forged in their Life-time; for that has been frequently the Practice. It is well known, that St. *Jerom* * loudly complains of an Epistle published and received for his, which he had never written;

* Hieronym. Lib. II. Apol. C. Ruffin. Cap. 7. *Scribit frater Eusebius, se apud Afros Episcopos, qui propter Ecclesiasticas causas ad comitatum venerant, Epistolam quasi meo scriptam nomine reperisse — quod audiens obstupui, &c.*

and Pope * *Gregory* in a Letter to *Eusebius*, mentions some Sermons written by a *Greek* Monk, and inscribed with his Name ; *quos rescindi et omnino aboleri jubet, ut, quod imperitus literarum et scripturæ divinæ nescius suo prænotaverat nomine, quorundam animos non possit inficere.*

But I do but just hint at these Things, to shew of what admirable Use these Rules have been to me, and how far they may be extended : And I seriously recommend the Application of them to some other Persons of greater Abilities and Learning than myself: They will undoubtedly oblige the World by purging Antiquity of much ridiculous Trash ; raise lasting Monuments of Reputation to themselves by employing their pretious Moments on the most noble Branch of Criticism ; and free the Names of *Plato*, *Demosthenes* and *Cicero*, from the dishonourable Charge of Weakness, Ignorance and Error, by distinguishing their Original Productions from the ill-begotten Offspring of Sophists and Declaimers.

* In Epist. LXIX. Lib. 10.

I cannot help reflecting with Pleasure on the agreeable Change, which by this Means will soon be introduced into Letters ; what little Work will be left for future Editors ! And what few Materials for future Biographers ! Though I am sensible this Scepticism will be thought by some, as dangerous to Learning, as Free-Thinking is to Religion ; and I expect a watchful Guardian will soon take the Alarm, and rise up in Defence of ancient Property ; but, if the Warmth of his Zeal will permit him, let him consider, that as Freedom of Thought under the Conduct of Reason, is always a Friend to true Religion ; so Freedom of Judgment, directed by the infallible Rules of Criticism, is always the best Support to true Learning : And as there is no Lover of his Country, but what would be glad to disburthen Religion of unscriptural Doctrines and useless Ceremonies ; so there is no real Patron of Learning, but what would be pleased at the like Attempts in the Republick of Letters.

The only Thing to be regarded is, whether the Evidence be good, and the Rules

made use of certain : And if bad Language, false History and bad Reasoning are inconsistent with the Characters of great Men and incomparable Writers, it must be allowed, that in whatever Piece these Marks are found, it could never have been written by them : And if there is any Person, that will not yield to this Evidence, and approve of this Rule of judging, he cannot be disputed with ; he must admit the Epistles of *Phalaris*, those of *Brutus* and *Cicero*, and the Orations of *Sallust*, to be the genuine Performances of the Authors, whose Names they bear.

I do not therefore desire such a Person to read the following Remarks ; for I can expect from him neither Conviction nor Candour. I could wish to have such Readers only, who think that the Antients in general, and *Cicero* in particular, could produce nothing but what was perfect in its kind ; and that a Modern may be a competent Judge of the Language they wrote in, and the Facts they relate : And then I am sure the Pieces I doubt of, as well as those I condemn, would soon be rejected

rejected by the World, and change their Place in all future Editions.

But as I cannot hope for such fortunate Circumstances, nor expect more favourable Treatment than my Betters ; and as an Ignorance in the Language may with some Degree of Reason be objected against some of my Conclusions ; I will just mention an Objection in order to prevent its being made by others ; and to shew in what manner I intend to answer all of the like Nature, which may be urged for the future.

Cicero in his Third *Philippic* Oration, quotes a Sentence or two out of one of *Mark Antony's* Decrees, which, he says, neither he nor any one else could ever understand, Cap. 9. *Sententiolas cujusdam edicti memoriæ mandavi, quas videtur ille peracutas putare : ego autem, qui intelligeret, quid dicere vellet, adhuc neminem inveni.* One of the Sentences is this, *Nulla contumelia est, quam facit dignus.* Upon which *Cicero* thus remarks, *primum quid est, dignus ? nam etiam malo digni multi, sicut ipse. An quam facit is, qui cum dignitate est ? quæ autem potest esse major ?*

major ? quid est porro, facere contumeliam ? quis sic loquitur ? Antony seems in the latter Part of the Sentence, to have mistaken the proper use of *facio* * ; for having observed that *facio* and *patior* were often promiscuously used, as *naufragium facere, damnum facere, &c.* he concluded that *contumeliam facere* might be used in the same Sense as *contumeliam pati* ; which it never could, for *contumeliam facere*, is the same as *contumeliam inferre, jacere* or *imponere*. Thus Terence (*Eunuch* Act V. Scen. 2.)

*Non te dignum, Chærea,
Fecisti : nam si ego digna hac contumelia
Sum maxime, at tu indignus, qui faceres
tamen.*

And again the same Writer, *Phor.* Act. V. Scen. 6.

* *Vid. Vorst. de Latinitate merit. suspic. C. 1.* There are a Variety of Opinions concerning this Mistake of Antony's, and I am not much concerned, whether that which I have produced or any other be thought the true one ; because the Expression must be acknowledged to be a Blunder in Language. *Vid. Quint. Instit. Lib. IX. Cap. 3. Gronov. Observ. Lib. III. Cap. 8. Muret. var. Lec. Lib. IV.*

Neque

*Neque hujus sis veritus fœminæ pri-
mariaë,
Quin novo modo ei faceres contumeliam.*

Now it may be said, if *Antony*, a polite *Roman*, could commit such a Blunder in Expression, why might not *Cicero*? And if *Cicero*, how can we condemn any Piece as spurious, because we discover in it such Errors in Language as these? For surely the Rule must here fail us, and the Evidence be dark and uncertain: Since had *Antony's* Decree been preserved entire, and fallen into the Hands of a modern Critick, without this Observation of *Cicero's*, we should have traced out an Ignorance in *Latin*, and immediately have pronounced it to have been the scandalous Forgery of an ancient Provincial, or a modern Sophist.

Again, *M. Cælius* is in all the Characters drawn of him by ancient Writers, ranked amongst the most eminent Orators of his own Time, and is thus described by *Cicero* himself in his Book *de Claris Oratoribus*, c. 148. *nec vero pretereundum. M. Cælium arbitror—ejus actionem multum
tamen*

tamen et splendida et grandis et eadem imprimis faceta et perurbana commendabat oratio ; but it is plain, that the Letters to *Cicero* now extant under his Name, are full of uncouth Expressions, and Barbarisms both contrary to the Nature of Language, and Grammar ; for who ever saw such an Expression as this, *Epist. 1. lib. 8. ad famil. Romam cum venissem, ne tenuissimam quidem auditionem de ea re accepi ?* and what Roman Writer would say, *Epist. 3. eorum odia * quæ Hirrum premunt*, instead of *qui Hirrum premunt ?* or *Epist. 4. in evitandis his consiliis, qui se intenderant adversarios in ejus tribunatum*, instead of *in evitandis eorum consiliis ?* concerning the first of which *Manutius* has this Observation, *durior et*

* *Grævius* has changed *quæ* into *qui* and omitted *his*, but as far as I see upon no other Reason, but because it appeared to be false *Latin* : *Manutius* judged better, though he did not carry his Conclusions far enough. *Si dixisset ea odia, usitate dixisset: cum vero dixerit eorum, latini sermonis ratio qui postulat, potius quam quæ.* Again upon the last, *Quo in loco postulabat usus latinæ linguæ in evitandis eorum consiliis*, not in evitandis *his consiliis, qui, &c.*

horridior

horridior interdum Cælius est in explicanda sententia, quis enim sic loquitur, ne tenuissimam, &c. pro nihil prorsus audivi, and the two last have not escaped his Censure ; and I would engage to point out six times as many of the like Instances of bad Language, as there are Epistles ; from whence it may be concluded that our Argument must be as good against *Cælius*, as against *Cicero* ; or if it cannot be urged against the former, neither can it be urged against the latter ; and in short, to sum up the Force of both Objections together, if *Antony* and *Cælius* have both used bad Language, and if they have both sometimes seemed to introduce a foreign Idiom, it must be allowed that those Marks are not sufficient to disauthenticate any Piece of Antiquity, or to prove a *Latin* Performance not to have been written by an original *Roman*.

But these Objections, however strong they may appear to others, are easily got over by me ; tho' they might daunt a less intrepid Writer than myself, yet they can neither discourage me in my Search after Truth, nor, I think, baffle my Attempts ;

Attempts ; for I have long since learn'd a noble Point of Philosophy ; either to own the Strength of a Difficulty, and to let it pass without a Solution ; or, roundly to deny that I perceive its Force, and that it deserves an Answer ; either of which might be done in the present Case ; but there is no Occasion ; for an Answer is ready ; the Example of *Antony's* false *Latin* is only founded upon the Testimony of an angry Orator, who, when he deliver'd this Oration, was actuated chiefly by a Spirit of Malice and Resentment, and had no Regard to Truth, which, it is well known, he little revered in his calmer Hours ; and it may with great Reason be doubted, whether the Epistles to *Cicero*, which go under *Cælius's* Name, were really written by him : for there is, as was hinted above, a Roughness of Stile, a foolish Affectation of Wit, and an Ignorance in the Affairs of common Life, which run thro' the whole, and ill agree with his Character, whom (as *Cicero* says) *in primis faceta et perurbana commendabat oratio* ; and to whom

whom *Quintilian* lib. 10. gave this ample Commendation, *multum ingenii in Caelio—multa urbanitas.*

I know indeed the Antients talk of an Asperity in Style peculiar to *Cælius* ; but it was such a one, as was consistent with true Politeness, and what the same *Quintilian* thought proper to recommend to the Imitation of the perfect Orator : *Quid noceret vim Cæsaris, asperitatem Cælii, diligentiam Pollionis, judicium Calvi, quibusdam in locis assumere* ; but I am sure neither he, nor any one else, would ever approve of such a slovenly Disregard to all the Rules of Language, as appears in the present Collection of Letters ; and therefore it is very likely they are not his ; but either the Work of a dull Sophist, or the insipid and blundering Exercises of a poor School Boy : and that the Reader may see my Suspicions are not groundless, my first Remark shall be employ'd in proving the Spuriousness of one of these Epistles, and from that I would have him form his Judgment of the rest.

* Epist.

* Epist. ii. lib. 8. *Ego incidi in competitorum nobilem et nobilem agentem, nam M. Octavius Cn. filius, et C. Hirrus mecum petit. M. Octavius and C. Hirrus sue together with me. Sue together! for what? was it for the Quæstorship, Ædileship, or Prætorship, or any other Magistracy? This he has left his Reader to conjecture, without giving the least Hint either before or after; but surely the particular Office ought to have been mentioned with *petere*: Otherwise the meaning will be unintelligible. So 2. de leg. Agrar. C. 2. *qui me esse unum ex omnibus novis hominibus, de quibus meminisse possumus, qui consulatum petierim.* So likewise, Phil. ii. 30. *qui magister equitum fuisse tibi viderere, in proximum annum consulatum peteres, vel potius rogares, per municipia coloniasque Galliæ, a qua notum, cum consulatus petebatur, non rogabatur, petere consulatum solebamus, cum gallicis et lacerna cucurristi.* From this last Quotation, I think the necessity of adding the Office after *petere*, may with some*

* Vid. Mr. Markland's Remarks, page 61.

Degree of Certainty be collected : Otherwise it would not have been repeated here thrice in the same Period, and especially where there was no Danger of mistaking the Sense, and “ *thus it is always : And* “ *Reason shows that it cannot be other-* “ *wise, whenever any particular Office or* “ *Post is spoken of ** ;” for was I in *England* to write to my Correspondent, that myself and another Gentleman were to be Candidates ; could he possibly understand, whether we were to be Candidates for a Seat in Parliament, or for any Place of Profit or Power in the Kingdom ; might he not desire me to explain myself more clearly in my next Letter, and pay less Compliments to his Understanding for the future, than to suppose him capable of unriddling such dark Mysteries. If any one desires more Proofs of this Point, than what I have produced, he may consult Mr. *Markland's* Observations upon one of the spurious Letters of *Brutus* to *Cicero*, pag. 62. where is shewn by two or three other Examples

* Mr. *Markland's* Remarks, pag. 63.

the proper use of *peto*, and his Sophist is detected of a similar Blunder. For the false *Brutus* has Epist. 8. *in Pansæ locum petere constituit*; our pretended *Cælius*, *C. Hirrus mecum petit*; both leave us to guess at the Office, for which they were Candidates, and both write in the same unusual Manner. Here therefore our *Cælius* discovers great Ignorance in the *Latin* Tongue, and writes (I will venture to affirm upon that learned Gentleman's Authority) as no antient *Roman* ever did; when he says *C. Hirrus* with himself (*petit*) sues for an Office, without declaring, what that Office was; he ought to have expressed himself thus, * *C. Hirrus mecum ædilitatem petit*; for that † was the Magistracy they were in pursuit of; but it is probable our Writer himself did not well know what Post he designed for his Candidate, and therefore made use of the general Word; at least it is impossible we should know his

* As *orat. pro Cluen. c. 25. sed primo gravari cæpit, quod ædilitatem se petere cum hominibus nobilissimis — dicebat.*

† *Vid. Middle. Life of Cicero, Vol. II. p. 215.*

Meaning by what he writes, and if his Correspondent was wholly unacquainted with the *Roman* Affairs at that Time, he would inevitably have been led into an Error, and have concluded it was the Consulship. For the Words immediately preceding, are *de comitiis consularibus incertissima est existimatio; ego incidi in competitorem nobilem, &c.*

And here having had Occasion to mention this spurious Letter of *Brutus* to *Cicero*, I am stopped by the Way, by another remarkable Passage in the same Epistle, which the excellent Critick so lately appealed too, has justly condemned either upon Account of its Latinity or Sense. But whichever is blameable; his reasoning on the former, has raised in my Mind very strong Suspicions against an Epigram in *Martial*; there is such a Similitude in the Expressions of both, that they seem to me to be equally liable to the same Condemnation. But if I am mistaken and have discerned a likeness in Phrase, which does not exist, upon proper Information I promise to yield, and with Ingenuity to acknowledge and re-

tract my Error, and what therefore I thus propose with Modesty and Diffidence, I hope the Reader will kindly receive, and entertain with Humanity and Candour. The Passage of the Epistle is this, *Apuleium vero tu tua auctoritate sustinere debes : sed Domitius in sua Epistola celebrabitur* : The Meaning of which I take to be this, *You ought to support Apuleius by your Authority ; but Domitius will be sufficiently recommended upon Account of his own Epistle* : but it is observed, “ *That he should have written suâ* “ *epistolâ or ob or propter suam epistolam ; not in suâ, for in suâ epistolâ celebrari, is to be celebrated in his own* “ *Epistle*, Mark. p. 67.” Which Observation wonderfully confirms my Suspicions concerning the Epigram : It is the 29th of the Fourth Book and deserves to be quoted entire :

*Obstat, Care Pudens, nostris sua turba
libellis :*

*Lectoremque frequens lassat et im-
plet opus.*

Rara

*Rara juvant : primis sic major gratia
pomis :*

*Hybernæ pretium sic meruere rosæ.
Sic spoliatricem commendat fastus ami-
cam,*

*Janua nec juvenem semper aperta te-
net.*

*Sæpius in libro memoratur Persius uno
Quam levis in tota Marsus Amazo-
nide.*

*Tu quoque de nostris releges quemcunque
libellis,*

Esse puta solum ; sic tibi pluris erit.

Now it is plain from the Design of the Epigram, that the Poet affirms, that *Persius* is oftener mentioned or praised, upon Account of one little Book, than the trifling *Marsus* upon Account of the bulky Poem concerning the *Amazons* ; but it is also plain he is guilty of the same Blunder with the Sophist : For he writes *memoratur in uno libro, memoratur in tota Amazonide* ; whereas he should have written *ob* or *propter unum librum* ; because, if our former Remarks are true, *memorari in uno libro* is to be mentioned

in one Book ; which would have been as little Commendation to *Perfius* the Author of it, as to be praised in his own Epistle would have been to *Domitius* : I conclude therefore, that the Epigram is as likely (if a Poet's Language may be thus nicely examined) not to belong to *Martial*, as the Epistle not to belong to *Brutus* : That if the Expression is blameable in the latter, it is in the former : and that neither of them, the one a *Roman* by Birth, the other by Education *, would have written in so unwarrantable a Manner.

But to come more particularly to *Cicero* ; I cannot help thinking, that from such an exalted Genius, we should expect to find the Subject of his Writings equally useful and great, his Style just and sublime ; his Sentiments natural without Lowness, and noble without Affecta-

* *Mar. Valerius Martialis genere Hispanus fuit, Bibili natus haud ignobili oppido Celtiberiæ, ut veteres Auctores tradunt, — sub primam ætatem profectus est ad urbem Romam, quo facilius in literarum studio versari posset, suumque ingenium erudire. Petrus Crinus in vita Mart.*

tion : And undoubtedly had this Reflection been kept constantly in view, and suffered to produce its natural Effects ; the Learned would long since have disputed the Authority of the Second and Fifth Books of the *Tusculan* Disputations, which go along with the other Three under *Cicero's* Name. For 'tis not probable that these were written by him, since there appears a want of Judgment in the Choice of Matter ; a Confusion in the Order and Method of Reasoning, and above all such a want of Accuracy in Language, that betrays either extreme Ignorance or inconceivable Carelessness in the Writer. Casting my Eye on the Book lying now before me, I observe a Sentence, which shows it not to be *Cicero's*, and is a probable Mark that *Latin* was not the Mother Tongue of the Author.

Lib. II. cap. 2. *Etenim si orationes, quas nos multitudinis judicio probari volebamus ; popularis est enim illa facultas, et effectus eloquentiæ est audientium approbatio : sed si reperiiebantur nonnulli, qui nihil laudarent, nisi quod se imitari posse considerent :—quid futurum putamus cum*

adjutore populo, quo utebatur antea, nunc minime nos uti posse videamus? If you will follow the Language and Construction of this Sentence, you may say, what *Pseudolus* does in *Plautus* :

Hæc quidem pol credo nisi Sibylla legerit

Interpretari alium potesse neminem.

For you can get no further than the first nine Words. *Et enim si orationes, quas nos multitudinis judicio probari volebamus.* Go on, if you can, *etenim si orationes* is left destitute, and finds nothing to rest upon. The Case seems to have been this ; when he wrote the first Part of the Sentence, he intended to have concluded in some such Form as this, *Apud nonnullos improbantur ob nimiam verborum copiam et ubertatem* ; but his Memory failed him before he got to the End of so long a Period, so that he concluded without regarding the Connection of the first Part with the last.

Our Writer also has written in the same inaccurate Manner in the Fifth Book, cap. 15. *An dubitas, quin præstans valetudine, viribus, forma accerrumis*

mis integerrimisque sensibus—si fuerit is qui hæc habeat, injustus, intemperans, timidus—dubitabisne eum miserum dicere?

As the latter Part of the Sentence stands, he ought to have written in the beginning (omitting *an dubitas quin*) *præstantem valetudine, viribus, &c.* or *qui præstans fuerit valetudine*; but when he wrote, *an dubitas quin, &c.* he proposed to compleat it thus perhaps, *miser appelletur* or *dicatur*; but being very forgetful, he left the former Part as he originally designed it, and the latter as if he had written it in a different Manner, and likewise a Page or two following, cap. 19. he blunders again, *Similene putas C. Lælii unum consulatum fuisse eum quidem cum repulsa (si cum sapiens et bonus vir, qualis ille fuit, suffragiis præteritur, non populus a bono consule potius, quam ille a malo populo repulsam refert) sed tamen utrum mallet, te, si potestas esset, semel ut Lælium consulem an ut Cinna quater?* For he began to put the Question to his Friend, whether he thought the one Consulship of *Lælius*, ought to be compared with the four Consulships of *Cinna*?

But

But by introducing a silly Parenthesis, he forgot himself and proposed the Question again, *utrum mallet*, &c. would you choose if you had it in your power, to be once Consul as *Lælius*, or four times Consul as *Cinna* * ?

But it may now be asked, whether a Man's Memory can be supposed so unfaithful, as to forsake him in the Compass of one Sentence : To which I answer ; it may, where a Man writes in a Language, which is not his own, and when the Ideas and Signs do not go together by Habit and Custom. But it was as absolutely impossible for *Cicero* to com-

* There is an Instance somewhat like this in the Oration, *pro M. Cælio*, Cap. 4. *qui ut huic virilem togam dedit, nihil hoc loco de me, tantum sit, quantum vos existimatis, hoc [dicam] hunc a patre continuo ad me esse deductum.* For when he had written, *qui, ut huic virilem togam dedit*, he intended to have gone on *eum continuo ad me deduxit* ; or *eum in meam disciplinam tradidit* ; but, by inserting a modest Apology for mentioning himself, he forgot in what Manner he had begun the Sentence ; and like one who wrote by the help of a Dictionary, compleated it thus in a different Form : This with some other Reasons makes me suspect the Authority of this Oration. But of this hereafter.

mit

mit these Mistakes, as it is easy for the Moderns. And how easy that is, Mr. *Markland* has clearly shown by his own Example in his very learned Annotations on *Maximus Tyrius* *, and by the Example of *Burman* in his Notes upon *Quintilian*; and that the Sophists frequently did, is evident from the former Gentleman's Remarks on one of the Epistles of the false *Brutus*, where we find, *Octavius is est, qui quid de nobis judicaturus sit, expectet populus Romanus*, that mistake in Grammar may, indeed, be easily corrected, if we read *a quo* instead of *qui*; but the Examples I have brought, can neither be attributed to the Oscitancy of the Scribe, nor be restored by the healing Hand of the Critick.

I wish the Authority of *Hirtius* was not so often appealed to, as I observe it is. *Vid. M. Remarks*, p. 45, &c. because it may be apt to render our Reasoning suspected, when the Mistakes we

* *Max. Tyrius*, p. 667. Col. 1. *Vox κορυφή sola non significare puto montis jugum vel verticem. Quint. Instit. Lib. VIII. Cap. VI. p. 742. Col. 1. Remark on Language, &c. p. 36.*

condemn are found in the Authors we allow to be genuine. I take the Liberty therefore to reject *Hirtius*, because I find in the Book *de Bello Africano*, cap. 23. *Rex Juba, cognitis Cæsaris difficultatibus copiarumque paucitate, non est visum dari spatium convalescendi augendarumque ejus opum* *, for if the foregoing Reasoning be true, it could never have been written by an original *Roman*, and I believe if we thought it worth our while to examine the other Pieces ascribed to the same Writer, we should discover all the Marks of Spuriousness we require, and our present probable Suspicions would rise to strong Evidence and certain Conviction.

It is possible my Reader may have thus far gone on patiently with me; for his Loss is not great, nor even much to be regarded. For who can think himself much concerned for a few trifling Epi-

* *Cellarius* reads *Regi Jubaæ*, upon which *Dr. Clark* rightly observes, *nihil opus: est enim constructio ανακόλυθος*; and very frequent with this Writer, See Cap. XIX. *Labienus cum his copiis omnibus — ad solis occasum est decertatum.*

stles, which neither are addressed to the Passions, nor affect the Interests of Mankind? And who is there, that can be much disturbed at being deprived of two cool unmeaning Dialogues in a Philosophy, which neither contains his Principles nor influences his Practice? But the Track I am now going to pursue is more difficult and dangerous; I enter upon it with a faint Heart and trembling Hands; and think I feel the same Sort of Apprehensions, which the poor Author does, who writes under the dread of a Censure and the Terror of Holy Inquisition: For I am now going to dispute the Authority of a Performance, which most of us have been acquainted with from our Childhood, and admired as the Pride and Glory of *Roman* Eloquence. Can I then expect to remove Prejudices so early contracted, and by the Bulk of Mankind so long and closely adhered to? No surely; for I know the Force of Education and its wonderful Effects; it not only forms our Characters of Men and Writings, which are commonly retained through Life, but also extends its Influence

ence to more important Points. I do not therefore expect to convince the present Age; such Wonders are not to be wrought at once; it must be the Work of Time. All I hope for is, that it may be rendered in some Degree doubtful and suspicious, that the succeeding Generation may receive it with less Veneration and Applause; and that some distant Age may venture to examine it with greater Freedom, and upon proper Evidence entirely to reject it.

When I name the second *Philippic* Oration of *Cicero*, no one will be surprized at the Manner in which I introduce my Criticism upon it: All will think an Apology necessary; but few I fear will admit it. Cap. 18. *Patri persuasi, ut eum a tua non modo familiaritate, sed etiam congressione patrio jure et potestate prohiberet.* Either *Cicero* prevailed upon the Father of *Curio* to prevent a Familiarity not yet contracted, or else to force his Son from one, which was already contracted. In the former Sense the *Latin* is good, but the Matter of Fact false; for *Cicero's* Advice was the Consequence of great Evils,

Evils, which threatened *Curio's* Family from a present Friendship with *Antony*; *quo ego tempore tanta mala florentissimæ familiæ sedavi vel potius sustuli, patri persuasi, &c.* in the latter the Fact is true, but the Expression intolerable: for the Friendship is supposed to be at present subsisting, and *prohibere* implies at the same Time, that it does not subsist, and that it is to be kept at a Distance. So that as *Mr. Markland* * has observed upon a like Blunder, *he is pulling you forward with one Hand, and pushing you back with the other: prohibere malum is procul habere*, to keep off an Evil, to keep it at a Distance; to hinder that from being present to us, which is then at a Distance. *Dii mala prohibeant* in *Terence*, May the Gods keep off at Distance Misfortunes, not present, but future Ones. *Cicero pro leg. Manil. erit igitur humanitatis vestræ magnum eorum civium numerum calamitate prohibere*; to preserve or keep off from Calamity, not yet present, but future in Expectation: Had *Terence* supposed pre-

* Remarks, &c. pag. 31.

sent Evils, or *Cicero* present Calamities,
 as our Author does present Friendship,
 they would have fallen into the same Ab-
 surdity; but they both knew very well,
 that *prohibere* when it is used concerning
 Time always implies something future,
 and not yet present, when of Place some-
 thing at a Distance; but the Familiarity,
 which *Curio* had with *Antony*, could nei-
 ther be supposed future in Time nor di-
 stant in Place. For thus a few Lines a-
 bove, *cito Curio intervenit, qui te (Anto-
 ny) in matrimonio stabili et certo locavit,
 nemo unquam puer emptus libidinis causa
 tam fuit in domini potestate, quam tu in
 Curionis.* Our Writer therefore, when
 he says, *eum a tuâ familiaritate probi-
 beret*, and supposes the Familiarity at pre-
 sent subsisting, is guilty of a Blunder,
 which it is difficult to conceive how a
Latin Writer could be guilty of, for he
 certainly would have written thus; *ut
 eum a familiaritate depelleret*, or *ut eum
 familiaritatem abjicere*, or *exuere cogeret*,
 or something else to the Purpose of *throw-
 ing off, and getting out of it*, and by
 that Means the Sense and *Latin* would
 have

have been equally good; but as it stands at present, it is an Error of Ignorance in the Language, which is inexcusable in the Writer and intolerable to a judicious Reader *.

I

* If any one is pleased to think that *prohibere a familiaritate* in this Place, means only the preventing any future Evils, which would have attended upon a longer Continuance of *Curio's* Friendship with *Antony*; I first of all beg him to consider, whether the Friendship which they had for each other was not a present Evil, and that which *Cicero* prevailed upon the Father to remove? And if this will not do, in the next Place I affirm, that in the same Manner, *prohibere præsens malum* in the spurious Epistle of *Brutus*, may be interpreted to signify *procul habere malum*, not that we may not feel its present bad Effects, but those which are future, and which would otherwise be felt, if it continued any longer present with us. But as this Interpretation will not, I believe, be allowed by the Objector; so neither can I ever be persuaded to admit of the other. There seems also to be a Passage in the Oration *pro Ligario*, which can perhaps no better be defended than this in the second *Philippic*. Cap. V. *et nos ad pedes jacentes supplicum voce prohibebis?* *Cicero* could never talk in this Manner; for is he not at this Time actually supplicating for *Ligarius*, and pleading his Cause *supplicum voce* before *C. Cæsar*? There is nothing more need be

D

added

I have often heard a great Critick in the *Latin* Tongue, extremely blamed for his fastidious and supercilious Dislike of the *Ciceronian* Stile; it being recorded of him by Bishop *Gardiner*, in a Letter to *Cheke* *, that *Linacer homo nostro seculo doctissimus et judicio in literis singulari Ciceronis dictionem nunquam probare potuit, nec sine fastidio audire*: But instead of blaming him, I admire his superior Taste and excellent Power of Discernment: For without Doubt he formed his Judgment of *Cicero's* manner of Writing from the greater Part of the Works, which are generally ascribed to him; which I verily believe, and upon a proper Occasion would engage to show are not the genuine Performances of that admired *Roman*: It is not then to be wondered at, that *Linacer* disliked the Stile and

added to make it appear ridiculous, than *Manutius's* Comment upon the Place. *Supplicare nobis per te non licet, cum accusas eum, cujus pro salute supplicamus?* And will not the intelligent Reader upon this Account, think it worth his while to enquire into the Credit of the whole Oration?

* De prouintiat. Græcæ Linguæ, pag. 176.

Manner of Composition: For it was not the Stile of *Cicero*, but the Stile of an impudent Sophist and Declaimer, which he blamed: It is more to be wondered at, that one of his admirable Sagacity did not carry his Speculations farther, and instead of blaming the Stile, doubt whether such imperfect Pieces of Eloquence and unsound Reasoning, could have been written by the famous *Roman* Orator. He would indeed have prevented the Business of us later Criticks, and some of us perhaps should have remained in perpetual Obscurity, without such fortunate Matter to work upon: But still the Services it would have done to Learning and Science, and my own publick Spirit and Generosity, make me wish our Forefathers had enjoyed the Light of these useful Discoveries.

But as this Work is left for us their Posterity to do, and is fortunately begun already; I willingly proffer my little Assistance, and with Chearfulness put my Shoulder to the Purthen; thinking it a sufficient Glory to be ranked amongst the Under-Workers in so noble an Undertak-

ing. But here, before I proceed, I will say what *Cicero* did upon another Occasion, that *non ignoro quam impudenter faciam*; and I will defend myself as he did, *qui semel verecundiæ fines transferit, eum bene et gnaviter oportet esse impudentem*, Epist. XII. Lib. V. *ad Fam.*

I will not therefore stop here, but will go on and offer some Reasons, which make me suspect the present Oration *pro M. Cælio* not to be that, which was written by *Cicero*.

And my first Doubt concerning it began, with observing a strange want of Connection through the whole, and was afterwards continued and confirmed by a Multitude of other Reasons: For the true *Cicero* never wanted a proper Manner of introducing a Sentiment or connecting it with what went before: But can any Thing appear more ridiculous than the foolish Repetition, which this Writer has made in giving his Answer to each Crime alledged against *Cælius*? Is it possible that he, who

Fudit opes, Latiumque beavit divite lingua,
 Could want variety of Expression so
 much,

much, as to be forced to repeat within the Compass of a few Lines, the same Words six or seven Times over? Thus Cap. II. *Objectus est pater varie, et nam quod de pietate dixistis, et nam quod est objectum.* Again, Cap. III. *Nam quod objectum est de pudicitia.* Cap. IV. *Nam quod Catilinæ familiaritas objecta Cælio est.* Cap. VII. *Nam quod æs alienum objectum est.* I defy any one to produce the like Instances of Repetition from any tolerable Writer: But if that was possible it would be unnecessary; for a thousand Examples could never defend the Thing nor prove the Propriety of it: They would only betray the Ignorance and Unskilfulness of the Writer, and increase the Number of suspected Performances among the Works of the Antients.

But not to take Notice of Cap. III. *Equidem ut ad me revertar* *; though he had

* *Revertor*, I believe, signifies to return to something, which you had left sometime before, as *pro Mar. c. 145. Unde cum honore discesseris, eodem cum ignominia reverti*, and *de divinat. 90. discedo parumper a somniis, ad quæ mox revertar*: Our Writer probably intended to have said *equidem, ut orationem ad*

had not before made the least mention of himself; nor of the following Words, which he puts into the Mouth of *Ap. Claudius*, Cap. XIV. *Ideone ego pacem Pyrrhi diremi* *, though it is certain there was no Peace made at that Time between *Pyrrhus* and the *Romans*; nor lastly of many other Blunders in Language, and References to true History; I shall rest the Credit of my Doubts concerning this Oration, upon one Instance of his peculiar Use of the rational *etenim*. For as *Mr. Markland* observes,

me vertam, but unhappily blundered in the Use of the Compound Verb.

* *Dirimo* implies the Separation of something already united; thus *Cicero* Lib. III. Ep. X. ad Famil. *Ego autem citius veterem conjunctionem diremissem, quam novam conciliaissem*. Thus also *dirimere pugnam, lites, &c.* But the Terms of Peace were only under Debate and not likely to be received, when *Ap. Claudius* was introduced into the Senate: Thus *Flor.* in the Epitome of the 13th Book of *Livy*, *Cineas legatus a Pyrrho ad senatum missus petiit, ut componendæ pacis causa, Rex in urbem reciperetur, de qua re quum ad frequentiore senatum referri placuisset: Ap. Claudius qui propter invaletudinem oculorum jam diu abstinuerat a consiliis publicis, venit in curiam et sententia sua tenuit ut id Pyrrho negaretur.*

There

*There is nothing that shews a skilful and good Writer, or discovers a bad one sooner than this single Word **. We need go no further than the first Chapter, *Cum audiat nullum facinus—in judicium vocari : sed adolescentem illustri ingenio—oppugnari opibus meretriciis—vos laboriosos existimet, quibus otiosis ne in communi quidem otio liceat esse* : But why may not the Judges enjoy *communi otio* ? The Reason follows, *Etenim, si attendere diligenter, existimare vere de omni hac causa volueritis, sic constituetis, judices, nec descensurum quemquam, cui utrum vellet, liceret* : Nec, cum descendisset, quicquam habiturum spei fuisse, nisi alicujus intolerabili libidine et nimis acerbo odio nitetur. Never surely was poor *etenim* so abused before, or employed on so silly a Work. Is not this skipping from one Thing to another, promising Reasons and giving none ; or at least giving such as would appear absurd to every one else, but our Writer : His Proposition is this ; those who preside over the publick

* Remarks on the Language, &c. pag. 213.

Courts of Judicature must not indulge themselves in the Enjoyment of the common Leisure from Business; his Reason for it is, because upon a diligent Enquiry it will be found that no one had voluntarily engaged in the Accusation of *Cælius*, or expected Success without the Assistance of *Clodia*: is this a Proof of the foregoing Proposition? *It is as much a Proof of Transubstantiation* *.

Mr. Markland after *Lambin* has judiciously, p. 383. taken Notice of the Absurdity of *nimum superstitiosum* in the Oration *pro domo sua*, Cap. XL. Because such an Expression seemed to allow that a Man might be superstitious without Blame, provided he was not *nimis superstitiosus*: In the same Manner, *nimis* or *nimum*, added to *avarus*, *inhumanus*, *intemperans*, *indiligens*, *ingratus*, and the like, evidently implies that a Man may be covetous, inhuman, intemperate, idle and ungrateful without Fault, provided he be not so to the Degree of *nimis*; but is it possible, any Man of common Sense

* Remarks on the Language, &c. pag. 216.

would

would allow those Vices in the least Degree to be blameless? Would *Cicero*, or any other Antient, from an unguarded Expression, give the least Reason to suspect that they thought so? The common Notions of Virtue and Vice were very nearly the same in all Ages; Injustice and Intemperance, Inhumanity and Ingratitude were always detested: I hope therefore the candid Reader will not think me too ready to admit of Doubts and Suspicions, if I declare myself willing to dispute the Genuineness of any Piece wherein such Expressions are found; for they are contrary to common Sense, common Virtue, and all kind of Elegance and Politeness.

Will not this Observation therefore justify me in doubting, whether the Self-Tormenter, ascribed to *Terence*, is either the same which he wrote, or the *Romans* admired? For tho' it must be allowed to be the Work of a Writer tolerably elegant, yet he seems not to have been perfectly acquainted with the *Latin* Tongue; it being certain, no accurate Judge of that Language, would have written these

Words

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Words

Words which we meet with near the End of the Play.

*Enimvero Chremes nimis graviter
cruciat adolescentulum,*

Nimisque inhumane. 1047.

I doubt not but this Expression would have shocked a *Roman* Audience in the Days of *Terence*; when the Taste of that People retained much of it's primitive Innocence and Simplicity; and its Spirit and Genius was rising up to the highest Pitch of Politeness and *liberal Manners*. The same Unskilfulness in the Use of *nimum* appears in the *Adelph*, *lin.* 685.

Vereor ne nimum indiligens si es,

Tho' in Defence' of the Speaker here, I own it may be said, that one of *Micio's* good natur'd easy Temper might allow of a little *indiligentia* in *Æschinus*; but it can never be said, that *Demea*, who is so remarkable for his Austerity, would permit his Brother to be *ineptus*, yet he is made to say in the 63d Line,

Nimum inneptus es;

Neither can any Apology be made for what I shall now quote out of the *Hecyra*, *lin.* 854.

Ab

Ab nimium me ingratum putas;
 For *Pamphilus* according to the true Meaning of this Expression, would not have been displeased, if *Parmeno* had thought him ungrateful, provided he had not been reputed *nimis ingratus*: but can any thing be more unnatural and ridiculous than this? Can it be supposed either to have came from the Pen of *Terence*, or escaped the Censure of *Lælius* and *Scipio*? The *African* Slave surely knew more of human Nature than to write so absurdly; and his two noble Patrons were better Judges of fine Writing, than not to correct so evident a Blunder. Before therefore I can be persuaded, that these Plays were written by the Poet, whose Name they bear, I must desire to have it shewn me, that the *Romans* were wont to speak or write in this manner; and that the Authorities made Use of to convince me, are themselves indisputably good*: Upon
 this

* I think there are two Lines which ought to be cast out of *Ovid*, for *nimium* is added to *crudeliter*: And the Place seems neither to want them nor the two following ones; which last have been already suspected by the Criticks:

Ab

this Account also I presume every good Man would wish, that our Translation of that remarkable Passage in the Acts was altered, *cap. 17. v. 22. Ye Men of Athens, I perceive that in all things ye are too superstitious*; for will not the *English* Reader be apt to conclude, that *St. Paul* would not have blamed the *Athenians* for being superstitious, provided they had not been too superstitious? And will not he think himself not only excusable, but entirely blameless, if he does but keep within the limited Degree of Superstition? And, lastly, is not this a Conclusion, neither warranted by * the Original, nor agreeable to the Interest of true Religion and Virtue?

*Ah ferus et nobis nimium crudeliter hostis,
Delicias legit qui tibi cunque meas.*

* δεισιδαιμων is a Word of a middle Signification, as frequently used in a good Sense as a bad one. Etymol. δεισιδαιμων· ὁ εὐλαβὴς καὶ δειλὸς περὶ θεός. And again, ἴσμεν ὅτι παρὰ μὲν τοῖς Ἑλλησιν ἐπὶ καλῶ λαμβάνεται, παρὰ δὲ ἡμῖν τοῖς Χριστιανοῖς ἐπὶ τῆς ἀσεβείας λέγεται ἡ δεισιδαιμονία. The Christians here are the Ecclesiastical Writers, who generally use the Word in the worst Sense.

I know here that those who have not studied the Writings of the Antients with a View of distinguishing their genuine Performances from Forgeries and Impostures, will be apt to think it incredible that Writers, who in general express themselves with Propriety and Elegance, should commit such Blunders as a Modern can easily detect, and would be ashamed to make. Because the same good Understanding and Judgment, which directed them to the Choice of proper Words and just Sentiments in one Part of their Work, must be supposed to attend upon them in another. But it should be observed, that a perfect Imitation is a Matter of great Difficulty ; there are an infinite Number of Ways, by which one may fail of Success, and but one of obtaining it ; Every Writer has something peculiarly his own ; and it is almost impossible for one Man entirely to catch the Stile and Manner of another : *Fiction*, in this, as in all other Cases, will discover its cloven Foot, and oftentimes alarm the most careless Observer.

But

But of all Parts of Imitation, that of the Reasoning and Sentiments, is a Work of the greatest Delicacy : A good deal of Industry may enable a Man to furnish himself with Language ; and a common Share of Modesty and Prudence will make him take Care to assert no Facts but what are grounded upon good Authority, or cannot probably be doubted of. But to reason with Judgment and Ingeniousness requires the same good Parts and Experience, which the Author had, whose Writings are imitated. To argue with Strength and Vehemence like *Demosthenes*, requires the Fire and Spirit of *Demosthenes* ; and to reason like *Cicero* demands all those Excellencies, which he was so plentifully possessed of. Here therefore, it is, that our Sophists are in most Danger of betraying themselves ; neither Art nor Industry can bear them out, and the contemptible Sluggishness of the base Animal will appear under the glorious Cover of the Lion's Skin.

There is a strange Passage in *Cicero's* Second Book *de Natura Deorum*, which is a probable Mark of the Weakness

ness and Folly of the Writer, a sufficient ground modestly to suspect the Genuineness of that Part of the Work, and I hope enough to set a Lover of these Studies upon a diligent Examination into the internal Evidence of the whole Performance; the Passage is Cap. XVI. *Lucilius* is introduced discoursing concerning the Divinity of the World in general, and of the Stars in particular, which he thus endeavours to prove *sensum autem astrorum atque intelligentiam maxime declarat ordo eorum atque constantia: Nihil est enim, quod ratione et numero moveri possit sine consilio; in quo nihil est temerarium, nihil varium, nihil fortuitum. Ordo autem siderum et in omni æternitate constantia neque naturam significat; est enim plena rationis: Neque fortunam, quæ amica varietati constantiam respuit, sequitur ergo, &c.* But what has the Word *natura* to do with the Argument? how comes it to be opposed to *rationi*? Did the Stoick ever suppose Nature and Reason opposite to each other; or is the Order, Harmony and regular Motions of the heavenly Bodies contrary to Nature? Nothing

thing like it'; for thus the same *Lucilius* describes Nature, Cap. XI. *Natura est igitur, quæ contineat mundum omnem eumque tueatur, et ea quidem non sine sensu et ratione.* And a few Lines after: *Sapientem esse mundum necesse est, naturamque eam, quæ res omnes complexa teneat, perfectione rationis excellere.* It is impossible therefore to suppose that *Cicero* could write, or *Balbus* speak in this ridiculous Manner, neither of them could forget the fundamental Doctrines of a Sect, with which the former was intimately acquainted, and of which the latter was a professed Patron and Admirer.

And thus far, the Criticks seem to agree with me; all except *Lambin* join in condemning the propriety of *natura*: *Davies* reads instead of it *necessitatem*; *Boberius* *materiam*, and Mr. *Markland* * *temeritatem*: But as in finding out these Readings, the MSS. gave them little Assistance, so each Gentleman endeavoured only to follow the Chain of the Argument, and by that Means to discover the

* *Vid. Epistol. Critic. pag. 24.*

very Word, which the Author either did or should have written. And it must be owned that *temeritatem* renders the Sense clear, and the Argument compleat. But thus arbitrarily to insert one Word for another, must never be allowed of. It would by that means become impossible ever to condemn a Work as spurious, either because the Language was bad, or the Reasoning weak ; and all Arguments founded upon internal Evidence would easily be evaded ; some daring Critick would soon change *infideliter* and *quatefecit* in the Epistles of *Brutus* and *Cicero* into lawful *Latin*, and purge the four Orations of all the Objections, which are ingeniously * raised against them.

The Difficulty therefore of the Word *natura* must be accounted for in a different Manner : And I think it probable, that the Writer had but an imperfect Knowledge of the Principles of the Stoical Sect ; he had acquired it from Books, and perhaps, as long as they were before him, he might describe them, and talk their Language with tolerable Accuracy. But every one must know how easy it

* See Mr. *Markland's* Remarks, &c.

was for such a one to forget himself, and use Words inadvertently in the common Acceptation, when the Character of the Speaker required that they should have been used in a different Manner. Thus *natura* in the Mouth of a Stoick signified, that *quæ perfectione rationis excellens res omnes complexa teneat*, Cap. XI. But in the Mouth of the Vulgar, *vim quandam sine ratione* : As Cap. XXXII. *Alii naturam censent vim quandam sine ratione, centem motus in corporibus necessarios*. Our Writer then forgot that *Lucilius Balbus* the Stoick, was speaking and expressed himself according to his own general Sense of the Word : *Ordo siderum et in omni æternitate constantia neque naturam significat ; est enim plena rationis* : Where you see the Reasoning is sound ; if by *naturam* we understand *vim quandam sine ratione*, and in that Sense is judiciously opposed to *rationi*. We only blame it, because by reflecting, on the Speaker, we have immediately that Idea excited in us, which we know he generally joined to that Word, and therefore perceive a Disagreement with the Course
of

of the Reasoning. I hope by this Account of the Blunder, it will appear natural and likely for any except *Cicero* to make ; but impossible for him ; for according to the Principles upon which I first set out, and in Order to support an Uniformity of Opinion, I affirm that it was impossible for him, and declare myself ready to maintain his Infallibility, with as much Warmth and Zeal, as the most pious Catholick does the Infallibility of the *Roman Pontif.*

I will not here interrupt myself or disgust my Reader in obviating the Clamours of a few impatient People : It is altogether unnecessary : Since I expect that a greater Part of the World in this enlightened Classcal Age, will soon join with me in the like Defence of *Cicero's* Characters. For methinks I now see his Reputation rising to a greater Height of Glory, than he had ever acquired at antient *Rome*, or could have expected in the most distant Ages : He begins now to be supposed with great Justice incapable of committing any Blunder ; but then he was far from being thought infallible, or

any way privileged from the Imperfections, which other great Men are liable to. Though * *Pompey* indeed, after all the learned in *Rome* had delivered their Opinions, referred at last the Decision of a Point in Grammar to *Cicero*; yet † *Atticus* ventured to accuse him of writing false *Latin*, and he condescended to defend himself by the Authority of *Terence*. But these and the other Cavils of spiteful Contemporaries, like small Clouds raised by the impotent Blasts of Envy, were soon dispelled and scattered by the bright Sunshine of his superior Merit. We now gaze at and admire him as a Prodigy in Nature, and pay him more Reverence, than the People of

* A. Gell. Lib. X. Cap. I. *Quæri ceptum est, utrum consul tertio inscribendum esset, an tertium. Eam rem Pompeius exquisitissime retulit ad doctissimos civitatis, quumque dissentiretur — rogavit Ciceronem ut quod ei rectius videretur scribi juberet.*

† Ad Attic. Lib. VII. Epist. III. *Venio ad Pirææa, in quo magis reprehendendus sum, quod homo Romanus Pirææa scripserim non Piræeum, quam quod in addiderim — secusque sum non dico Cæcilium — sed Terentium.*

Cbios,

Chios, Smyrna and *Colephon* ever paid *Homer*, who was amongst them thought to have been inspired from Heaven and the Prophet and Interpreter of the God.

And here I with the Objections I have just started against these Writings of the Antients, may put every learned Reader, upon enquiring after more Evidence from the other Parts of those Works, and examining critically every Author they take in Hand. This is all I propose by offering them to the Publick, and if I gain that, I gain my End. And let not any one be discouraged from the Attempt because it is hazardous or uncertain ; for I can venture to promise Success, since the Rules I have made use of, have never failed me in my own Trials, and the World knows what wonderful Things others have done by their Assistance. They can produce more Metamorphoses in Nature, then either *Ovid* has related, or the Wand of the most powerful Magician effected ; I have heard that in the compass of a Winter's Evening *Demosthenes*, hath been changed into an ignorant Declaimer ; and have often sat down myself to read *Ci-*

cero, and have risen up from a Provincial or Sophist. The Defence of *P. Sulla*, I was used to read and admire ; but by one Touch it was lately transformed into a Confusion of Blunders, void of all that Majesty, Dignity and Accuracy of Composition, so peculiar to the Character of the true *Cicero*, and betraying an Ignorance in those Parts of History, with which he could not but be perfectly acquainted. For the Truth of this bold Assertion, I appeal to the following Remarks, where will be found abundant Reason to persuade others as well as myself, from ever thinking hereafter this Piece to belong to *Cicero*. I could have produced many more Examples in Confirmation of my Opinion concerning it; but it did not seem to want any farther Support: And I had no Mind either to tire my Reader or myself.

REMARKS

REMARKS on the ORATION
for P. SULLA.

I DO not think, that I am at all concerned to take Notice of the Testimonies of antient Writers, concerning the Genuineness of this Oration: I am not to be determined by Authority myself, nor do I appeal to the Judgment of those Readers, who are. It is sufficient for one of a moderate Skill in the *Latin* Tongue, and a true Taste for the genuine Writings of Antiquity, to condemn the Work as spurious and unworthy of the great Name it bears, if there can be shown in it such Inaccuracies in Language, Contradictions in Sentiment, and Blunders in References to true History, as cannot possibly be supposed ever to flow from the Pen or Judgment of the true *Cicero*.

But notwithstanding I must and do willingly allow, that this Defence of *P.*

Sulla, is in general no bad Composition, and written by one not only well read in the Works of *Cicero*, but also acquainted with the Writings of *Demosthenes*; yet I doubt not but it will soon appear from the following Remarks, that learned Men for these several Ages have been deceived in attributing it to *Cicero*, and have paid more Reverence to the Titles of antient MSS. than they would have done, if they had sat down to comment upon their Author with less Prejudice, and had pursued their own Judgment with the Spirit and Freedom of a modern Critick.

In the beginning of this Oration, where the Declaimer faithfully copied from the *Greek Orator*, he has by one unhappy Word distinguished himself from his *Latin Master*. For I can venture to affirm, that neither *Cicero* nor any other antient Writer would have made use of *necessitas* to signify any kind of Affinity or Relationship whatever: The Passage is this, Cap. I. *Et quoniam L. Torquatus meus familiaris ac necessarius, judices, existimavit, si nostram in accusatione*

tione sua necessitatem familiaritatemque violasset, aliquid se de auctoritate meæ defensionis posse detrabere. The true Cicero * would, as he has done in all other Places, have written *necessitudinem* : Thus *In Cæcil. Div. Cap. XIX. Nullam neque justiore, neque graviore causam necessitudinis posse reperiri, quam conjunctionem sortis, quam provinciæ, &c.* and also *pro Muren. Cap. III. qui gravissime ferre dixit me familiaritatis necessitudinisque oblitum causam L. Murenæ contra se defendere.* But the Thing is so obvious, that it is needless to multiply Instances ; and the Testimony of one eminent Grammarian will put it out of all Doubt. *Sospater Charisius* is very decisive, *Lib. I. Necessitas imperii, necessitudo sanguinis conjunctio.* *Sallustius tamen necessitudinem sæpe pro necessitate ponit ; nec unquam necessitatem pro necessitudine, aut ipse aut quisquam veterum †.* And here we

* *Necessitas* seems indeed to be used in this Sense in the Oration, *pro Ros. Amerin. Cap. XIX.* But I believe the present Reading is not the true one.

† Thus also *C. Fronto* : *Necessitas immutabilis res est, ut mori necessitatis est. Necessitudo, vel sanguinis vel meritorum.*

see

see what it was that led our Writer into this Mistake ; he had often seen in *Cicero*, *Sallust* and other good Authors *necessitudo* put for *necessitas* ; from whence he too rashly concluded that *necessitas* might be put for *necessitudo*. I remember indeed, *A. Gellius* in a Chapter, where he professedly treats of the Difference of these two Words, hath preserved a Fragment of one of *Cæsar's* Orations, in which *necessitas* is used in this latter Sense : *Repperi in oratione C. Cæsaris, quæ Plantiam rogationem suavit, necessitatem dictam pro necessitudine, id est, jure affinitatis, verba hæc sunt : Equidem mihi videor pro nostra necessitate, non labore, non opera, non industria defuisse ;* but this can have little Weight in Opposition to the whole Stream of Antiquity. It is probably a Piece of a spurious Oration ; and this, one would think, *Gellius* himself should have concluded from his own Observation just before ; *itaque in libris veterum vulgo reperias necessitudinem dici pro eo quod necessum est ; sed necessitas sane pro jure officioque observantiæ affinitatisque*

que infrequens est. Noct. Attic. Lib.
XIV. 3.

Cap. II. *Si te id offendit, quod ego, qui hoc genere quæstionis defenderim neminem, non desim P. Sullæ.* It is not credible that *Cicero* could be so impudent, as to make this Assertion in the Face of an Audience, and before an Assembly of Judges, the greater Part of which could undoubtedly have told him, that it was notoriously false : And it is impossible that he should forget, that he had so lately appeared in Defence of one who had been accused of the Conspiracy. For soon after *Cataline's* Defeat, an Enquiry being set on Foot at *Rome* against the rest of the Conspirators, *J. Cæsar* was impeached by *L. Vettius* before the Quæstor, and by *Q. Curius* in the Senate * : And their Evidence was so strong against him, that if *Cicero* had not engaged in his Defence ; he would have been unable to repel that bold Accusation : Our Declaimer either did not know this ; or if

* *Suetonius, J. Cæsar, Cap. XVII. Middl. Life of Cicero, 253. Vol. I.*

he did might easily forget it ; or what is equally probable, might for the sake of a little false Eloquence, not think it worth his while to regard it.

I know but two ways of clearing up this Difficulty, either of which will, I am persuaded, be thought insufficient by one that has a true Taste for Criticism. for it may be said, either that by *defensio* here is meant only a Defence by a set Speech, as *Cicero* had before defended *Murena* and *Flaccus* ; in which manner it can never be proved that *Cicero* had defended *Cæsar* : Or else that *Sulla's* Trial came on before that of *Cæsar*, and therefore the Orator might truly make this Assertion. But as to the former, it may be observed, that, if that was the Case, the Reasoning would be very impertinent. For how could he justify his own Conduct by the Example of those, who were present ; if *defensio* was to be confined to that Sense ? since *Sulla* then would have been defended only by *Hortensius* and himself, and he a few Lines before had guarded us against such an Opinion : *Non enim una est ratio defensionis,*

sionis, ea quæ posita est in oratione: Omnes qui adsunt, &c. pro sua parte atque auctoritate defendunt: And to the latter it may be answered, that it was very improbable, they should begin their Accusations with *Sulla*, against whom it appears there was so little Evidence; and not with *Cæsar*, against whom they could produce a Letter to *Catiline* in his own Hand-writing.

Cap. IX. *Sed neque honoris neque ætatis excusatio vindicat a labore. Ætas* unattended with an Epithet is used here to signify an Advancement in Years or old Age, which I once suspected to have been very unusual, and a probable Mark of Spuriousness; but I have since observed that the simple Word is frequently used by the best Writers, to signify either Age or Youth: An Instance of the former may be met with in *Sallust. D. Bell. Cat. Cap. XXV.—ubi ætas tantummodo quæstui, neque luxuriæ modum fecerat:* And Examples of the latter are very common; as in the same Author, *Cap. XIV. Eorum animi molles et ætate fluxi haud difficulter capiebantur.* And in *Terence, And. Act. I. Scen.*

Scen. I. *Quî scire posses aut ingenium noscere, dum ætas, metus, magister prohibebant?* And also in *Petronius Arbiter*, whose Authority is no way contemptible, Cap. CXL. *Matrona inter primas honesta, quæ multas sæpe hæreditates officio ætatis extorserat: tum anus et floris extincti filium filiamque ingerebat orbis senibus et per hanc successionem artem suam perseverabat extendere*; but notwithstanding these Instances may appear very strong in favour of the Thing, I intended to establish, yet I think myself obliged ingenuously to inform my Reader, that I have not produced them without a good deal of Diffidence; being afraid lest I either misunderstand my Authors, or that they will not be allowed to have the Weight of original Writers; because Mr. *Markland* affirms *, that he has not met with any Instance of the simple Word (*ætas*) in that Signification. It is probable therefore that he may reject that Play of *Terence*, and the reputed Histories of *Sallust*; but as the Reasons for doing it, have not as yet

* *Vid.* Dissertation upon the four Orations, &c. pag. 226. Note b.

occurred to me, I ventured to appeal to their Authority; 'till I either make the Discovery myself or receive Information from somebody else.

Cap. XI. *Ego consul—quinque hominibus comprehensis atque confossis — interitu rempublicam liberavi.* This seems at first sight greatly to disagree with a Passage in the Third Oration against *Catiline*, where we are told that the Senate *ea lenitate usus est, ut—novem perditissimorum hominum pœna republicâ conservata, reliquorum mentes sanari posse arbitraretur*; but this Difficulty is easily cleared up from *Sallust*; by whom we are informed, that the Senate decreed the Punishment of Nine; but that Five only were apprehended and actually punished for the Conspiracy. And here I own, that if *Sallust* had not recorded this Matter of Fact, I should confidently, though, as it appears, very unjustly, have urged this seeming Contradiction between the two Orations against the Credit of one of them. And it may perhaps be said, that most of our Difficulties of the same Nature, may possibly arise from an Ignorance of
antient

antient History, and might have been easily removed were we either in Possession of some uninterrupted Annals of past Ages, or better acquainted with the minute Circumstances of Antiquity *. *I answer that indeed, it is possible, our Reasonings upon this Account may be very uncertain : Or it is possible that what appears Contradictions to us, may not be real Contradictions: Nay, it is possible there never were such Persons, as Catiline, Cicero or Sulla :* But we are not determined by Possibilities in these our Enquiries ; we are in search of that, which is probable : And it is probable, that that Cause is not a good one, which cannot be supported by its Admirers, without recurring to Possibilities : And this I hope will be thought a sufficient Reply to the present Objection. But there still remains another Difficulty, in the Place before us, which relates to the manner of the Punishment, and such a one, as I believe the most strenuous Defender of the Oration will never be able

* See Mr. Markland's Remarks and Dissertation, pag. 274.

to remove : For they are said here to have been stabbed ; a capital Punishment seldom inflicted by any Magistrate, and more like the Assault of an Assassin, than the Action of an Executioner of publick Justice : And never once mentioned amongst the *Roman* Punishments, which are thus reckoned up by the diligent * Enquirers into the Antiquities of that People. *Percussio securi, strangulatio, præcipitatio de robore, dejectio e rupe Tarpeia, in crucem actio, et projectio in profluentem.* And I scarce think that even a *Sophist*, much less the true *Cicero*, would have made use of that Word to have expressed their real Punishment. For *Sallust* undoubtedly assures us, that they were strangled, and *confossus* is never used in that Signification : *In eum locum postquam demissus est Lentulus, vindices rerum capitalium, quibus præceptum erat, laqueo gulam fre-*

* *Mortem autem attulerunt, aut securi percutiendo, aut arbori infelici suspendendo : id est, in crucem agendo, quorum utrumque verberatio præcessit, aut de saxo Tarpeio, aut de robore præcipitando, aut in culeo insutum in profluentem projiciendo, aut denique laqueo gulam frangendo.* Rosinus, Lib. IX. Cap. XXVI.

gere.——de Cethego, &c. eodem modo supplicium sumtum est, De Bell. Cat. LVIII.

I conclude therefore, that either *confossus* is used in a Signification unknown to the *Latin* Tongue, or else that the Writer knew not what kind of Punishment the Conspirators suffered; neither of which can be supposed of the true *Cicero*.

Cap. XII. *Parens ejus, homo amantissimus patriæ, cum esset æger, tamen omnibus rebus illis interfuit: Nunquam est a me digressus, &c.* The Presence, Advice, and Approbation of the Father was a proper Topick for *Cicero* to enlarge upon, in order to justify the Actions of his Consulship to the Son; and had the Fact been true, such a one as *Cicero* himself would probably have made use of. But it is certainly false: For *Torquatus* after his Consulship had the Province of *Macedonia* decreed to him, and was employed there throughout the whole Time of *Cicero*'s Magistracy: And for the Truth of this we have his own Testimony to produce in * *Pison. 19. Ex qua*

* I know not whether I ought to have appealed to this Oration; for there are many Things in it, which may

qua provincia modo vir omni dignitate ornatissimus L. Torquatus, magnis rebus gestis, me referente, absens imperator sit appellatus ; for this Motion was made by Cicero in his Consulship.

may render its Credit suspected : Even from the Passage I have quoted, there may be an Objection raised against its Authority ; for when it is said, *absens imperator sit appellatus*, it is evidently implied, that he might have had that Title confirmed to him, when he was present. But in the Words of *Manutius*, *cur absens, cum ii, qui ab senatu imperatores appellarentur, omnes abessent* ? Or in those of *Grævius*, *Quis imperator unquam fuit, qui non hoc modo absens fuit appellatus imperator* ? This Difficulty made the former Commentator read *ab senatu*, and the latter adopt the same Conjecture, *quamvis reclamantibus omnibus libris*, as he says. But this will, I hope, by this Time be allowed an unwarrantable way of dealing with old Authors. I wonder they did not change that harsh Metaphor, which we meet with, *Cap. II. Ego tela intenta jugulis civitatis de conjuratorum manibus extorxi. Jugulum civitatis*, or *jugulum reipublicæ* seems to be as bad, and unnatural a Metaphor, as that which Mr. Markland, pag. 244. finds Fault with in the *Orat. post reditum in Senat. Cap. II. Hostes interfectores reipublicæ* ; for *jugulum civitatis* is as improper as *interfector reipublicæ* ; and if the one cannot be made use of consistently with fine Writing neither can the other.

Cap. XIII. *Quis negat Sullæ indicium?*

In the foregoing Sentence he had urged, what had been objected against the Character of *P. Sulla*, that the *Allobroges* had mentioned his Name amongst the Conspirators, to which he replies, *Quis negat Sullæ indicium?* Who denies the Discovery made against *Sulla*? For that is evidently the Sense intended in this Place. But in the Words we trace a foreign Idiom, and something quite contrary to the Genius of the *Roman* Language; for *indiciū Sullæ* is not a Discovery made against *Sulla*, but a Discovery made by *Sulla*: As *Sal. de Bell. Cat. Cap. XLIX. Frequens senatus decernit Tarquinii indicium falsum videri*; not the Discovery made against *Tarquinus*, but the Discovery of *Crassus* by *Tarquinus*. We often meet with a Genitive of the Thing, as *indiciū veneni, exitii, scelerum*, but never of the Person in the Sense required here. This Passage has engaged the Attention of the Commentators, who to free it from Objection have introduced a different Reading; but it is, as we have quoted it, in

Stephen's

Stephen's and *Manutius's* Editions, and it does not appear that the others had sufficient Authority to alter it; only as they supposed the Oration to belong to *Cicero*, they thought themselves obliged to do it. *Gellius* indeed, *Lib. IX. Cap. XII.* says *metus hostium recte dicitur et quum timent hostes et quum timentur, et injuriam itidem dici tam illorum, qui patiuntur, quam qui faciunt*; but I am sure *indiciu* always requires after it an active Genitive of the Person, and can never admit of the contrary.

Cap. XIX. Nam in iis regionibus, quo se Catilina inferebat. I should have expected to have found here *in quas* instead of *quo*: For this latter is never seen, and the former is the usual Expression. As in *Pison 43. Triennio post Macedonicus imperator in urbem se intulit*: in *Vatin. 24. Tu in templum Castoris te—intulisti*, we often indeed meet with such Phrases as these; *inferre arma alicui, inferre bellum patriæ*, &c. but *infero* signifying the Motion of a Person into a Place, always requires after it the Accusative of the Place, with the Preposition *in*.

Cap. XX. *Utrum quo facilius Romæ ea, quæ conabatur, efficeret, si in Hispania turbatum esset? At hæc ipsa per se sine ulla conjunctione agebantur.* The last Sentence refers to some Disturbances in Spain, which were carried on in Conjunction with the desperate Designs of Catiline in the City *. But it was very unhappy for our Declaimer, that he had either so bad a Memory; or was so ignorant in the History of the Roman State: For there was no Disturbance in Spain, either at the Time of Catiline's Conspiracy, or long before. By the Death of Sertorius, an End was soon put to a War, which was supported only by the Credit of the General: And the revolted Cities were soon forced to return to their Obedience by the victorious Arms of Pom-

* I was pleased to find, upon consulting the Commentators, that I was not singular in objecting to this Passage; though they take Notice of it for a quite different Purpose: Thus Grævius——*non tam dure et obscure Cicero scribit, ne dicam in Hispania. Sertorio diu ante interfecto, fuisse omnia tranquilla. Locus est corruptus. Nulla idonea sententia ex editis potest elici.*

pey; so that all these Provinces enjoyed a perfect Tranquillity; or as the true *Cicero* himself says, *Bellum expectatione Pompeii attenuatum atque imminutum est, adventu sublatum et sepultum, pro leg. Man. XI.* or as *Florus* with more Historical Truth, *Lib. III. 22. Ipsæ quoque in Romanam fidem veneræ urbes, Osca, &c. sic recepta in pacem Hispania*; but the Cause of the Blunder seems to have been this. He had by Chance heard that *Cn. Piso* by the Contrivance of *Catiline*, and Permission of the Senate, had been sent with Prætorial Authority into *Spain*; from whence he immediately concluded, that there must have been some popular Tumults raised by a Youth of such daring and desperate Principles, not knowing that he was cut off, before he could exercise his Power to the Disturbance of the State. *Sallust* relates the whole Affair, and mentions his Death without the least Circumstance of an Insurrection, *Cap. XIX. is Cn. Piso in Provinciam, ab equitibus Hispanis, quos in exercitu ducabat iter faciens occisus est.*

Ibid. *Hominem amantiſſimum ſui*, ſeems to ſignify a Man, who is a Lover of himſelf, but is evidently intended to ſignify a Man who is a Lover of another ; *an in tantis rebus — hominem amantiſſimum ſui, familiariſſimum — dimittendum eſſe arbitraretur ?* This is an Ambiguity into which *Cicero* would never lead his Hearers.

Ibid. *Illud erat genus hominum horribile et pertimeſcendum, qui tanto amore ſuas poſſeſſiones amplexi tenebant, ut ab his membra divelli citius ac diſtrahi poſſe diceret*—If this be *Cicero's* Sentiment, he muſt ſoon have changed his Politicks, and Notions of Government, and be allowed to have had a very narrow Inſight into human Nature. For a Year before he had entertained a much more favourable Opinion of this Sort of Men which he here deſcribes, and thought little Danger to the State was to be apprehended from them. For in his ſecond Oration againſt *Catiline*, c. 8. he divides thoſe, who were likely to join in ſubverting the Conſtitution into Six Claſſes ; at the
Head

Head he places these *unum genus est eorum, qui magno in ære alieno majores etiam possessiones habent, quarum amore adducti, dissolvi nullo modo possunt. Horum hominum species est honestissima—sed hosce homines minime puto pertimescendos, qui aut deduci a sententia possunt, aut, si permanebunt, magis mihi videntur vota facturum contra rempublicam, quam arma laturi.* I shall not pretend to determine, which Opinion is most true ; but this I shall affirm, that since they are so contrary to each other ; it is impossible they should come from the same Pen, unless the Writer be supposed to have been one of the weakest Judgment and shortest Memory. And therefore, as the second Oration against *Catiline*, may be looked upon as genuine and really *Cicero's*, 'till its Authority be call'd in Question ; I shall from the strongest Argument, a Difference in Sentiments, conclude that this is not his.

Cap. 23. *Lex dies fuit proposita paucos, ferri cæpta nunquam ; posita est in Senatu populum Romanum latuit.* How is it possible that *Cicero*, who had so perfect

fect a Knowledge in the Customs and Constitution of his Country, and had seen so many Laws established, could talk in this absurd and idle Manner ! The meanest Citizen of *Rome* might have told him, that a Law could not be promulged, and at the same Time concealed from the *Roman* People : The Promulgation being not a private Business, but of all Ceremonies the most publick. This is a greater Blunder, if possible, than what the Writer of the Oration *pro Domo sua* has committed ; who makes * *Cicero* speak, as if he had never in his whole Life seen a Temple dedicated ; tho' it was a publick Ceremony, performed before the People. But the Declaimers are always unfortunate when they mention Facts or Customs : Could any thing be more so, than for our Writer in particular to take Notice of the Promulgation of a Law ? Had he been silent here he might probably have passed on undiscover'd. But it is well known to every one, that a Law was generally first communicated to the Se-

* Cap. 46. *Postem teneri in dedicatione videor audisse templi.* Vid. Markland's Remarks 306.

nate * *Liv.* 1. 17. *Plut.* in *Coriol*; and after that us'd to be fairly wrote out upon Tables, and expos'd to the View and Consideration of the People for three Market-Days: That not only the Inhabitants of *Rome*, but also those Citizens who lived in the Country, might have an Opportunity of weighing its Usefulness to the State †. *Phil.* 5. c. 11. and that the Promulgation is here intended by *lex dies fuit proposita paucos*, is plain from the like Use of the Phrase. As 2 *Cont. Rull.* c. 5. *legem hominis concionemque expectabam: lex initio nulla proponitur*; and

* *Scripta lege, legislator bene de republica sentiens, antequam eam promulgaret, referebat ad Senatum, ut quo plus ponderis, majoremque vim lex haberet, de Senatus sententia eam ferret.* Rosini *Antiquit. Rom.* lib. 8. cap. 2.

See also *Manutius de legibus*, who has very nearly the same Words.

† *Promulgabatur deinde lex, id est, in publico ponebatur, — spatium autem promulgationis, ut ex Macrobio, Dionysio, Cicerone, Quintiliano, et aliis patet, quacunque de re ferretur lex, erat trinundinum; cum enim mundinarum causa ex agris in urbem cives convenirent, per trinundinum leges, ut a rustica plebe ter legi cognoscique possent, patere voluerunt.* *Manut. de Leg.* 860.

again

again *aliquando tandem me designato lex in publicum proponitur*, as also *de leg. 2. 29. Legum leges voce proponam*. And if this be not *hospitem esse* and *peregrinari in sua patria*, I know not what is ; and indeed this Passage and some few others in this Oration, give me great Reason to suspect, that the Writer of it was not an Inhabitant of *Rome*, but a Provincial, who had never seen the Promulgation of a Law, and was not much acquainted with the *Roman* Constitution. Here are no less than two manifest Blunders in the Place before us ; first a Law is promulged, and after that offered to the Consideration of the Senate : Secondly, it is promulged, and yet said to be unknown to the *Roman* People. The excellent *Grævius* knew not what to make of this Place ; but suspects that the Words *posita est in Senatu, populum Romanum latuit*, are spurious ; but as all the MSS. represent the four first, and but one or two omit the three last Words, he did not dare to leave them out of his Edition. *Spero*, says he, *omnes, qui judicio valent, mihi ubi hæc verba ineptissima recte consideraverint, assensuros :*

ros : delere tamen nondum ausus sum, quia posita est in Senatu in omnibus codicibus legitur ; si vel unus melioris notæ illa non agnovisset, uti nonnulli non agnoscunt populum Romanum latuit, ea delevissem ; but certainly our Solution is upon many Accounts to be preferred.

At vero in illa gravi L. Sullæ victoria turbulentaque quis P. Sulla mitior ? Quis misericordior inventus est ? This is an excellent and engaging Part of *Sulla's* Character, and undoubtedly a strong Motive to raise the Compassion of the Audience ; he would have been an eminent Example of Generosity and Humanity, if in the midst of universal Rapine and Bloodshed, he alone had appeared an Advocate for the sinking Party, and pleaded the Cause of the unfortunate. But this I fear is only one of the usual Tricks of the Declaimers, who seldom scruple to disguise Truth, in order to make it serve their Purpose. And had this very Writer composed an Oration in the Character of *L. Torquatus*, we should have had *Sulla* described to us as the principal Promoter of his Kinsman's Proscription, and some of the noblest Families
in

in *Rome*, would have been called upon to revenge the Death of their Ancestors. For whenever Truth or real History is not convenient for the present Use of a Sophist ; he hardens himself against it ; varnishes the real Characters of Men, changes the Circumstances of old Facts, and invents new ones purely to supply his Declamations with proper Matter, and to exercise his Talents of writing and speaking*. This very Defence of *Sulla's* Character is a notable Instance ; for *Cicero* in his Offices hath given us his true one, and declared his own Opinion about him : Lib. II. Sect. 8. *Nec vero unquam bellorum civilium semen et causa decerit, dum homines perdit hastam illam cruentam et meminerint, et sperabunt, quam P. Sulla cum vibrasset, dictatore propinquo suo, idem sexto tricesimo anno post a sceleratiore hasta non recessit.* This cannot be reconciled with the Oration any other way, than by the help of the *Oratoria calliditas* ; but if this be admitted, it will then be impossible to fix a Contradiction

* See Mr. *Markland*, p. 278.

or Falsehood on an Orator : For if consistently with Oratory *P. Sulla* may in one Place be said to have interceded for the Lives of many, shewed great Mercy to all; and in another Place of the same Author may be said to have presided over the Sales of the prescribed Mens Fortunes, and to have been so fond of Cruelty, as to join himself to a more infamous Proscription *, “ *it will seem to follow that Oratory and Falsehood are only different Names of the same Things, and that the antient Definition of an Orator, vir bonus dicendi peritus, might as well have been vir malus mentiendi peritus.*

Cap. XXX. *Cum quoties quisquam est in hoc scelere convictus, toties, &c.* the true Cicero, I think, would have said *convictus sceleris*, or *scelere* or *de scelere*, as *pro Quint. Judicio turpi convictus*, 7. ver. 109. *convictus maleficii*, and the Writer of the Oration, *pro Flacc.* 164. *M. Aquilium patres nostri multis avaritiæ criminibus testimoniisque convictum*, and

* See Mr. Markland's Remarks, &c. pag. 321.

as far as I know, these are the only ways, in which he would have expressed himself. And since these are so common, nothing but a strange Affectation and Love of Singularity could have made our Writer fix upon this Choice. I find, indeed, in *primo libro de Invent. convinci in aliquo peccato*, exactly similar to *in hoc scelere convictus*; but this has no Weight with me, because I have many irrefragable Arguments to convince me, that that Work is the Performance of a very late Age, and very unworthy of the incomparable Judgment of *Cicero*, even in his younger Years; it seems indeed to have been in a great Measure borrowed from *Cornificius's* Book inscribed to *Herennius*; and the paltry Rhetorician had great Hopes of imposing on the World, since *Cicero's* own Performance on that Subject, had not escaped the Censure of his riper Judgment.

And with this Observation, I shall conclude my Remarks on the Oration, being heartily tired of the Author, and persuaded that a less Number of them would have been sufficient to ruin its Credit; and to rescue *Cicero* from the unjust Imputation

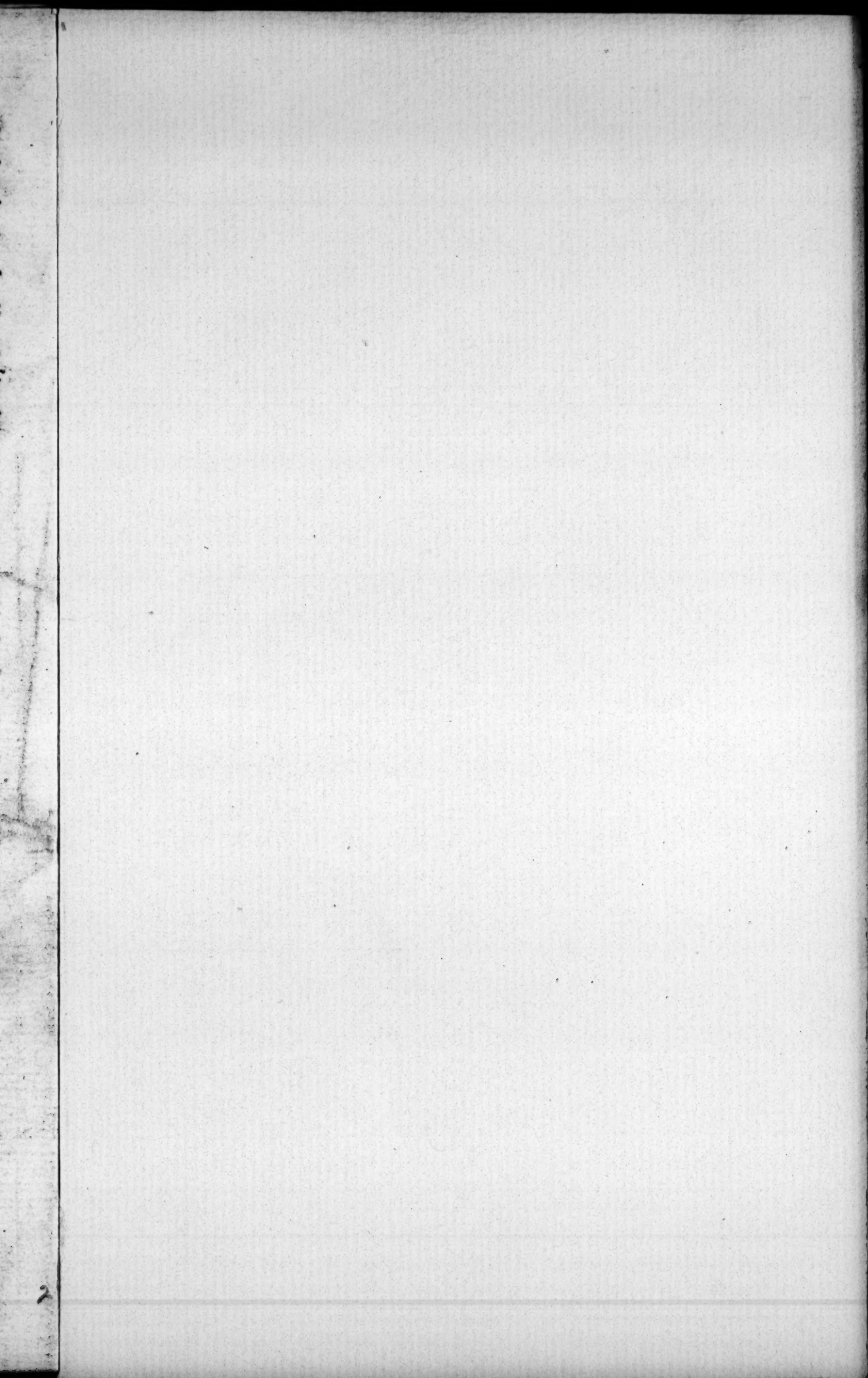
putation of committing such manifest Blunders, and that all of them are so strong and convincing, that one should think it impossible for any one who had read *Cicero's* Works, and the *Roman* History of that Time (as this Writer certainly had) to have been the Author of it. For to make use of *necessitas* to signify Relationship, instead of *necessitudo*; to assert in the Character of *Cicero*, that he had never appeared in Defence of one accused of the Conspiracy, when the true *Cicero* had before defended *Cæsar*; to affirm that the Conspirators were stabbed, when it is certain they were strangled: To boast of the Assistance and Presence of *Torquatus* the Father, whilst he was absent in the Government of his Province; to say *quo se Catilina inferebat*, instead of *in quas se inferebat*; to talk of Disturbances and Insurrections in *Spain*, when there were actually none; to believe, those Men to be dangerous Members to the State, from whom the true *Cicero* thought no Danger was to be feared; to be ignorant of the manner of promulging a Law; and lastly to describe

Sulla as a merciful and good Citizen; when the true *Cicero* had painted him a barbarous Enemy to his Country, and many more, are all such gross and palpable Errors, that could proceed from nothing but an Ignorance or Neglect of true History, and a small Acquaintance with the Language; but to suppose either of these of the real *Cicero*, would of all Absurdities be the greatest.

The E N D.



When it is found that the same Person
To possess the same Property
Of the same Estate he was
Absent in the same Place
Vince; to the same Place
Head of the same Estate
Distance; to the same Place
When there was no more; to the
Lieve, that the same Person
Peters to the same Place, from whom the same
Cicero ought to be distinguished to be distinguished
ed; to be ignorant of the manner of proceeding
mising a Law; and lastly to describe
and lastly to describe



Sulla as a merciful and good Citizen; when the true *Cicero* had painted him a barbarous Enemy to his Country, and many more, are all such gross and palpable Errors, that could proceed from nothing but an Ignorance or Neglect of true History, and a small Acquaintance with the Language; but to suppose either of these of the real *Cicero*, would of all Absurdities be the greatest.

The E N D.



